B. whereas Witold Tomczak is charged with causing damage valued at up to 39 669 PLN (approximately 11 500 EUR) to a sculpture titled 'The Ninth Hour' — depicting Pope John Paul II crushed by a stone — in the Zachęta Gallery in Warsaw on 21 December 2000 in breach of Article 288(1) of the Polish Penal Code (1),

C. whereas the District Prosecutor’s Office in Warsaw has collected evidence against Witold Tomczak, but the latter has refused to answer questions regarding the event at the Zachęta Gallery,

D. whereas Witold Tomczak claims that by his action towards the sculpture he sought to defend his and other people's religious feelings, as well as to protect the dignity of the Pope; whereas he contests the amount of the damage he allegedly caused and in any case considers that his behaviour was aimed at protecting a higher value — that of the Pope's honour in the eyes of Polish Catholics,

E. whereas, on the basis of the information obtained, Witold Tomczak is not protected by parliamentary immunity in respect of any of the allegations which have been drawn to the attention of the President of the European Parliament,

1. Decides to waive the immunity of Witold Tomczak;

2. Instructs its President to forward this decision, and the report of the committee responsible, immediately to the appropriate authority of the Republic of Poland.

(1) The provisions of that Article being: 'Whosoever destroys, damages or makes useless another person's property shall be sentenced to a term of prison ranging from three months to five years.' (Polish original: 'Kto cudzą rzecz niszcz, uszkadza lub czyni niezdatną do użytku, podlega karze pozbawienia wolności od 3 miesięcy do lat 5.').

Approval of the Commission (amendment of the Rules of Procedure)

P6_TA(2008)0328


(2009/C 294 E/21)

The European Parliament,

— having regard to the letter from its President of 14 December 2006,

— having regard to its resolution of 1 December 2005 on guidelines for the approval of the Commission (1),

— having regard to Rules 201 and 202 of its Rules of Procedure,

— having regard to the report of the Committee on Constitutional Affairs (A6-0198/2008),

1. Decides to amend its Rules of Procedure as shown below;

2. Points out that the amendments will enter into force on the first day of the next part-session;

3. Instructs its President to forward this decision to the Council and the Commission, for information.

Amendment 1
Parliament’s Rules of Procedure
Rule 99 — paragraph 2

2. The committee shall invite the nominee to make a statement and answer questions.

2. The committee shall invite the Commissioner-designate to make a statement and answer questions. The hearings shall be organised in such a way as to enable Commissioners-designate to disclose to Parliament all relevant information. Provisions relating to the organisation of the hearings shall be laid down in an annex to the Rules of Procedure (2).

(2) See Annex XVI b.

Amendment 2
Parliament’s Rules of Procedure
Rule 99 — paragraph 6

6. In the event of portfolio changes during the Commission’s term of office, the Commissioners concerned shall be invited to appear before the committees responsible for the areas of responsibility in question.

6. In the event of a substantial portfolio change during the Commission’s term of office, the filling of a vacancy or the appointment of a new Commissioner following the accession of a new Member State, the Commissioners concerned shall be invited to appear before the committees responsible for the areas of responsibility in question in accordance with paragraph 2.

Amendment 3
Parliament’s Rules of Procedure
Annex XVI b (new)

ANNEX XVI b

Guidelines for the approval of the Commission

1. The following principles, criteria and arrangements shall apply for making the entire college of the Commission subject to Parliament’s vote of consent:

(a) Basis for assessment

Parliament shall evaluate Commissioners-designate on the basis of their general competence, European commitment and personal independence. It shall assess knowledge of their prospective portfolio and their communication skills.

Parliament shall have particular regard to gender balance. It may express itself on the allocation of portfolio responsibilities by the President-elect.

Parliament may seek any information relevant to its reaching a decision on the aptitude of the Commissioners-designate. It shall expect full disclosure of information relating to their financial interests.
(b) Hearings

Each Commissioner-designate shall be invited to appear before the appropriate committee or committees for a single hearing. The hearings shall be held in public.

The hearings shall be organised jointly by the Conference of Presidents and the Conference of Committee Chairs. Appropriate arrangements shall be made to associate relevant committees where portfolios are mixed. There are three options:

(i) if the portfolio of the Commissioner-designate falls within the remit of a single committee, the Commissioner-designate shall be heard by that committee alone;

(ii) if the portfolio of the Commissioner-designate falls more or less equally within the remit of more than one committee, the Commissioner-designate shall be heard jointly by those committees; and

(iii) if the portfolio of the Commissioner-designate falls mainly within the remit of one committee and only to a small extent within the remit of at least one other committee, the Commissioner-designate shall be heard by the committee mainly responsible, which shall invite the other committee or committees to attend the hearing.

The President-elect of the Commission shall be fully consulted on the arrangements.

The committees shall submit written questions to the Commissioners-designate in good time before the hearings. The number of substantive written questions shall be limited to five per committee responsible.

Hearings shall take place in circumstances, and under conditions, whereby Commissioners-designate enjoy an equal and fair opportunity to present themselves and their opinions.

Commissioners-designate shall be invited to make an opening oral statement of no longer than twenty minutes. The conduct of the hearings shall aim to develop a pluralistic political dialogue between the Commissioners-designate and the Members. Before the end of the hearing, Commissioners-designate shall be given the opportunity to make a brief closing statement.

(c) Evaluation

An indexed video recording of the hearings shall be made available for the public record within twenty-four hours.
The committees shall meet without delay after the hearing to evaluate the individual Commissioners-designate. Those meetings shall be held in camera. The committees shall be invited to state whether, in their opinion, the Commissioners-designate are qualified both to be members of the college and to carry out the particular duties they have been assigned. If the committee is unable to reach a consensus on both of those points, its chair shall, as a last resort, put the two decisions to the vote by secret ballot. The committees’ statements of evaluation shall be made public and presented at a joint meeting of the Conference of Presidents and the Conference of Committee Chairs, which shall be held in camera. Following an exchange of views, the Conference of Presidents and the Conference of Committee Chairs shall declare the hearings closed unless they decide to seek further information.

The President-elect of the Commission shall present the whole college of Commissioners-designate and their programme at a sitting of Parliament which the whole Council shall be invited to attend. The presentation shall be followed by a debate. In order to wind up the debate, any political group or at least forty Members may table a motion for resolution. Rule 103(3), (4) and (5) shall apply. Following the vote on the motion for resolution, Parliament shall vote on whether or not to give its consent to the appointment, as a body, of the President-elect and Commissioners-designate. Parliament shall decide by a majority of the votes cast, by roll call. It may defer the vote until the following sitting.

2. The following arrangements shall apply in the event of a change in the composition of the college of Commissioners or a substantial portfolio change during its term of office:

(a) When a vacancy caused by resignation, compulsory retirement or death is to be filled, Parliament, acting with dispatch, shall invite the Commissioner-designate to participate in a hearing under the same conditions as those laid down in paragraph 1.

(b) In the event of the accession of a new Member State, Parliament shall invite the Commissioner-designate to participate in a hearing under the same conditions as those laid down in paragraph 1.

(c) In the event of a substantial portfolio change, the Commissioners affected shall be invited to appear before the committees concerned before taking up their new responsibilities.

By way of derogation from the procedure laid down in paragraph 1(c), third subparagraph, when the vote in plenary concerns the appointment of a single Commissioner, the vote shall be by secret ballot.